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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Democratic People's Republic of Korea

1. The Committee considered the initial report of the Democratic People's Republic of Korea (CRC/C/3/Add.41) at its 458th to 460th meetings (CRC/C/SR.458-460), held on 20 and 22 May 1998 and adopted* the following concluding observations:

A. Introduction

2. The Committee takes note of the initial report and written answers to the list of issues (CRC/C/Q/DPRK/1) submitted by the State party. The Committee notes that after having requested postponement of the consideration of its report initially scheduled for the sixteenth session, the State party sent a highly representative delegation to the present session. The Committee also takes note of the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated the policy and programme directions, as well as the obstacles and difficulties encountered in implementing the Convention.

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* At the 477th meeting, held on 5 June 1998.

B. Positive aspects

3. The Committee takes note of the fact that international instruments, including the Convention on the Rights of the Child, have the same status as domestic law and can be invoked before the courts.

4. The Committee notes with appreciation that both education and health services are free of charge in the State party.

5. The Committee takes note of the willingness of the State party to engage in international cooperation programmes to facilitate the full implementation of the Convention on the Rights of the Child. In this regard, the Committee takes note of the areas identified by the State party as requiring technical cooperation, such as nutrition, health, educational support materials, collecting and processing data and statistics, and monitoring, training and providing appropriate support to children with disabilities.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the difficulties faced by the State party in its implementation of the Convention as a result of the dissolution of its traditional economic ties and of the 1995 and 1996 floods, which have had a very serious impact on the whole society.

D. Principal subjects of concern

7. The Committee is very concerned by the increase in the child mortality rate resulting from malnutrition that affects the most vulnerable children, including those living in institutions. It is also concerned at the deterioration of the health status of children, resulting mainly from shortages of food, medicine and clean water.

8. In light of article 4 of the Convention, the Committee is concerned that insufficient attention has been paid in allocating budgetary resources in favour of children "to the maximum extent ... available ... and, where needed, within the framework of international cooperation".

9. The Committee is concerned at the lack of a specific mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children especially the most vulnerable ones, in urban and rural areas.

10. The State party's limited capacity for developing specific disaggregated indicators to evaluate progress and assess the impact of existing policies on all children is a matter of concern.

11. While noting the efforts undertaken by the State party for child welfare, the Committee is concerned that the national strategy, policies and programmes for children do not yet fully reflect the rights-based approach enshrined in the Convention. Furthermore, the Committee is concerned that the general principles of the Convention, as laid down in its articles 2

(non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not being fully integrated into the legislation, policies and programmes relevant to children, in particular in relation to children belonging to vulnerable categories such as children living in remote areas, children with disabilities and children in institutions.

12. The Committee notes that insufficient measures have been taken to disseminate and raise awareness about the principles and provisions of the Convention in all parts of society, among children and adults alike, in conformity with article 42 of the Convention.

13. The Committee is concerned that corporal punishment is still used, especially within the family environment and in institutions, and by the fact that no comprehensive strategy exists to eradicate this form of violence, in light of, inter alia, articles 3, 19 and 28 of the Convention.

14. The Committee is concerned by the unresolved family reunification cases, in light of, inter alia, articles 3 and 9 of the Convention.

15. The Committee is worried about the increasing problems of environmental degradation in the State party, which have a harmful impact on the health of children.

16. The Committee expresses its concern about de facto discriminatory attitudes that may occur against children with disabilities and at the insufficient measures taken by the State party to ensure that these children have effective access to health, education and social services, and to facilitate their full inclusion in society. The Committee is also concerned about the small number of well-trained professionals dealing with children with disabilities.

17. The Committee is concerned about the insufficiency of measures taken to understand and address adolescent health issues, such as teenage suicides, reproductive health and early pregnancies.

18. In light of the principles and provisions of the Convention, especially its articles 3, 5 and 19, the Committee expresses its concern that the phenomenon of child abuse and ill-treatment within the family is not adequately addressed.

19. The administration of juvenile justice, and in particular its compatibility with articles 37, 40, and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee remains particularly concerned, inter alia, about the rights of the child to legal assistance, judicial review and periodic review of placement. It is also concerned that persons between the ages of 17 and 18 are considered by the penal system as adults. Although the Committee was informed that no child can be sentenced to death, it remains concerned as to whether a person between 17 and 18 is considered an adult in this particular regard.

E. Suggestions and recommendations

20. The Committee encourages the State party to continue to prevent and combat malnutrition in children with all appropriate measures, through budgetary allocations in favour of children to the maximum extent of available resources and, where needed, within the framework of international cooperation.

21. The Committee recommends that the State party fully harmonize its legislation with the principles and provisions of the Convention. It also encourages the State party to envisage adopting comprehensive legislation covering all areas of the rights of the child, such as a children's code. The Committee further recommends that the State party envisage ratifying major international human rights treaties to which it is not yet a party, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as they all have an impact on the rights of the child.

22. The Committee recommends that the State party give priority attention to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and in evaluating progress achieved in and difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children living in remote areas, children with disabilities, children ill-treated and abused within the family as defined by article 19 of the Convention, and children living in institutions. International cooperation could be sought to this effect, including from UNICEF.

23. The Committee encourages the State party to consider the establishment of a specific mechanism to monitor fully the implementation of the Convention, especially for the most vulnerable groups of society.

24. The Committee recommends that consideration be given to incorporating the Convention in the curricula of all educational institutions and that appropriate measures be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts to providing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, law enforcement personnel, army officials, teachers, health personnel including psychologists, school administrators, social workers, and personnel of child-care institutions. Furthermore, the Committee recommends that the State party reinforce its dissemination activities with regard to the Convention in the spirit of its article 42. International cooperation, especially from UNICEF, should be sought in this regard.

25. The Committee recommends that the State party take all appropriate measures to integrate fully the principles and provisions of the Convention, especially its general principles (arts. 2, 3, 6 and 12), in its legal system,

strategies, policies and programmes for children with a view to recognizing the child as a full subject of law. In light of article 12 of the Convention, specific attention should be given to educating all sectors of society, especially parents and teachers, about the importance of children's participation and of dialogue between teachers, parents and children.

26. The Committee suggests that the State party take all appropriate measures, including of a legislative nature, to prevent and combat the use of corporal punishment, especially at home and in institutions. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention.

27. The Committee recommends that the State party pursue its efforts to resolve family reunification cases in light of the principles and provisions of the Convention, especially articles 3 and 9.

28. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3).

29. In light of the provisions and principles of the Convention, especially articles 3 and 20, the Committee suggests that the State party consider reviewing its policies and programmes regarding institutional care with a view to supporting more family-oriented solutions.

30. The Committee recommends that the State party launch a comprehensive study to enhance the understanding of the nature and scope of child abuse and ill-treatment within the family, as defined by article 19 of the Convention, with a view to combating these harmful practices adequately.

31. In light of article 24 of the Convention, the Committee recommends that particular attention be given to the impact of environmental pollution on children and that a study be undertaken on this subject. International cooperation in this field should be considered.

32. The Committee suggests that the State party undertake a comprehensive study on the issues of reproductive health, youth suicides and early pregnancies so as to identify the scope of the problems and to devote adequate resources to preventing and combating these phenomena.

33. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, and envisage awareness-raising campaigns to reduce discrimination against disabled children and encourage their inclusion into society.

34. The Committee recommends that the State party take all necessary steps to bring its juvenile justice system into full conformity with the provisions and principles of the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the rights of children to prompt access to legal assistance, judicial review and periodic review of placement. The State party should furthermore envisage extending the special protection provided to children under penal law to all persons under 18 years old. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system.

35. Finally, the Committee recommends that the widest dissemination be given to the State party's report, the discussion on the report in the Committee and the concluding observations adopted following examination of the report.